

REMARKS

In submitting the prior response cancelling claims 7-10 in which claim 7 was rejected and claims 8-10 were objected to, Applicants inadvertently amended claim 1 to incorporate the limitation of claim 7 into the Markush group along with claims 9 and 10, not claim 8 as was intended. Applicants thank the Examiner for identifying the error which is corrected in the instant response by the amendment to claim 1; claim 10 is also amended to properly punctuate the sentence.

This amendment is believed to overcome the art rejection which was maintained by the Examiner based on the limitation of claim 7 having still been present in the Markush group of claim 1.

As to the new double patenting rejections, Applicants respectfully traverse the rejection. Nevertheless, to advance prosecution of the case, Applicants file herewith a terminal disclaimer for each of U.S. App. No. 11/059,715 and U.S. Patent No. 6,884,279, claims of each of which were the basis of the obviousness-type double patenting rejections, along with the requisite fees. Applicants respectfully submit that the terminal disclaimers obviate the double patenting rejection.

In filing the terminal disclaimers, Applicants make no statement with regard to the propriety of the rejections, but rather Applicants maintain that the claims subject to the double-patenting rejections are not obvious in view of the claims recited in the Office Action. Applicants are merely taking advantage of a statutory opportunity to remove the rejection. *See* MPEP §804.02(II). Applicants' decision to avail themselves of that opportunity is made, *inter*

alia, to expedite prosecution of the application and obtain issuance of a patent, and is not an indication that Applicants acquiesce in the rejection.

CONCLUSION

For at least the reasons set forth above, Applicants respectfully request reconsideration of the Application and withdrawal of all outstanding rejections. Applicants respectfully submit that the claims are in condition for allowance.

The Commissioner is hereby authorized to deduct any fees determined by the Patent Office to be due from the undersigned's Deposit Account No. 50-1059.

Respectfully submitted,
McNees Wallace & Nurick LLC

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